

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GUILLERMO PENA)	CASE NO.: 5:07CV2741
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
v.)	
)	
CARL ANDERSON, Warden,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER RE: DISMISSING</u>
Respondent.)	<u>PETITIONER'S APPLICATION</u>
)	<u>FOR WRIT OF HABEAS CORPUS</u>

Guillermo Pena filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging four grounds for relief which challenge the constitutional sufficiency of his conviction and sentence for two counts of aggravated burglary and two accompanying three-year firearm specifications.

On November 6, 2007, the case was referred to Magistrate Judge Nancy Vecchiarelli for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 4). On June 16, 2008, the Magistrate Judge submitted a Report and Recommendation (Doc. 25) recommending that the petition be denied.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d

813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Guillermo Pena's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 19, 2008
Date

s/ John R. Adams
John R. Adams
U.S. District Judge